United Nations CCPR/C/SR.3549

International Covenant on Civil and Political Rights

Distr.: General
22 October 2018

Original: English

Human Rights Committee
124th session

Summary record of the 3549th meeting
Held at the Palais Wilson, Geneva, on Monday, 22 October 2018, at 10 a.m.

Chair: Mr. Shany
later: Ms. Waterval (Rapporteur)
later: Mr. Shany (Chair)

Contents

Follow-up to concluding observations on State party reports

Draft report of the Special Rapporteur for follow-up to concluding observations

Organizational and other matters, including the adoption of the report of the Working Group on Communications (*continued*)

Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views (*continued*)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-17718 (E) 251018 251018

1817718

Please recycle

The meeting was called to order at 10.05 a.m.

Follow-up to concluding observations on State party reports

Draft report of the Special Rapporteur for follow-up to concluding observations (CCPR/C/124/R.1)

1. **The Chair** said that the Bureau had recommended that the Committee should change the format of its reports on follow-up to concluding observations. Rather than producing one report that dealt with a number of States parties, it had been proposed that the Special Rapporteur should prepare a separate report for each State party. Owing to time constraints, the secretariat had undertaken to implement the proposed change by March 2019.

Montenegro

2. **Mr. Politi** (Special Rapporteur for follow-up to concluding observations) said that he proposed giving a B for Montenegro's response to paragraph 7 of the Committee's concluding observations on its initial report (CCPR/C/MNE/CO/1), which addressed the issue of national human rights institutions. He proposed a C grade for paragraphs 9 and 18, which dealt with accountability for past human rights violations and the rights of minorities, respectively.

3. **The Chair** said he took it that the Committee wished to approve the Special Rapporteur's proposal to give a B for the State party's response to paragraph 7.

4. *It was so decided.*

5. **Ms. Waterval** said that the State party had taken measures that had resulted in the partial implementation of the recommendations contained in paragraph 9. Although additional information was required, she wondered whether a B grade might be a fairer reflection of the action taken by the State party in that regard.

6. **Ms. Cleveland** said that it would be useful to hear any further information that the Special Rapporteur or the secretariat might have regarding the 4 final judgments and 15 ongoing cases mentioned in the summary of the State party's reply to paragraph 9. The action that had been taken to investigate and prosecute war crimes appeared to respond to the Committee's recommendations. Therefore, provided that action had been taken during the reporting period, the State party should be awarded a B grade for that particular element. However, she agreed that the rest of its follow-up to the paragraph merited a C grade, particularly the inadequate responses provided in relation to the *Bukovica* case and with regard to improving access to information for the relatives of disappeared persons.

7. **Mr. Politi** said that the comments submitted by the State party on the *Bukovica* case went against the general principles of international criminal law. The assigning of a C grade was therefore fully merited in relation to that case. However, he supported Ms. Cleveland's suggestion that the Committee could split its evaluation of the paragraph into two grades. He proposed that a C should be retained for the majority of the paragraph but that the State party should be given a B grade for the action taken by its courts to implement the strategy on war crimes adopted by the Supreme State Prosecutor's Office.

8. **The Chair** said he took it that the Committee members agreed with the Special Rapporteur's proposal to assign two separate grades for the State party's response to the issues raised in paragraph 9.

9. *It was so decided.*

10. **Ms. Brands Kehris**, supported by **Ms. Waterval**, said that the Committee might also consider giving two separate grades for the action taken in response to the recommendations contained in paragraph 18. The proposed C grade seemed an accurate reflection of the lack of progress made in improving the living conditions in camps experienced by members of the Roma, Ashkali and Egyptian communities, notwithstanding the steps taken in Konik camp. However, the State party had taken some action, alongside international partners, to improve the situation of displaced persons and refugees in the country. That action merited a B, even if it remained troubling that all displaced persons

and refugees who had failed to submit a request for permanent or temporary residence of up to three years from 1 January 2015 were considered to be illegal immigrants.

11. **Ms. Cleveland** said that the information provided in the second paragraph of the summary of the State party's reply under paragraph 18 was unclear. In its concluding observations, which had been issued in November 2014, the Committee had recommended that displaced persons and refugees should be given better access to the procedure for obtaining permanent residence status. In response, the State party had provided statistical information on the number of requests filed between November 2009 and September 2016. It was not clear how many of those cases had been processed after the publication of the concluding observations. Noting that 1,060 persons had received Montenegrin citizenship, she also wondered whether any specific information had been received on individuals who had obtained permanent residence status, as requested by the Committee. She would be willing to support splitting the assessment, provided the Special Rapporteur and the secretariat were confident that enough detailed information was available about action taken within the reporting period.

12. **Mr. Politi**, sharing Ms. Cleveland's views, said that a lack of clarity in the State party's reply was one of the reasons why the report recommended assigning a C grade for paragraph 18. To his mind, the Committee should make every effort to give one overall evaluation for the responses provided to each paragraph. However, he was prepared to look back through the State party's reply concerning paragraph 18 for evidence of clear intent to respond to the Committee's recommendations.

13. **The Chair** said that it remained unclear exactly when some of the actions described in the State party's reply had been taken. As such, he asked the secretariat to ascertain which developments had taken place following publication of the concluding observations and therefore qualified as part of the State party's follow-up to the recommendations.

14. **Mr. Durnescu** (Office of the United Nations High Commissioner for Human Rights) said that construction of the camp in Konik had finished in November 2015, after the publication of the Committee's concluding observations in December 2014.

15. **Mr. Politi** said that, even in the light of that information, he would still recommend a C for the whole of the paragraph.

16. **The Chair** said he took it that the Committee agreed to assign a C grade to the State party's response to paragraph 18.

17. *It was so decided.*

Greece

18. **Mr. Politi**, drawing attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the second periodic report of Greece (CCPR/C/GRC/CO/2), said that he recommended that a C grade should be given for the State party's follow-up to paragraphs 16 and 34. In his report, he proposed that three out of the four subparagraphs under paragraph 32 should also be given a C, while the response to subparagraph 32 (b) merited a B. However, given the State party's efforts to establish a system of guardianship for unaccompanied minors, he now proposed that the grade for subparagraph 32 (c) should be raised to a B.

19. **Mr. Santos Pais**, referring to the Committee's evaluation of the State party's reply to paragraph 16 on excessive use of force and ill-treatment, said that he was concerned about the proposal that the Committee should request information on whether the State party envisaged rendering the Ombudsman's recommendations binding. He asked whether the Special Rapporteur or the secretariat knew of any other States where the Ombudsman had the power to address recommendations of a binding nature to a public administration.

20. **The Chair**, supported by **Ms. Cleveland**, said that the evaluation of the State party's reply to paragraph 16 seemed harsh. In response to the Committee's recommendations, the State party had drafted new legislation to designate the Ombudsman as the national mechanism responsible for investigating incidents of ill-treatment by law enforcement officers and detention facility agents. According to the information received

from non-governmental organizations (NGOs), the bill had been adopted and the changes to the Ombudsman's mandate had already come into effect. Seldom were mechanisms established so quickly in direct response to follow-up issues raised by the Committee. The Committee should therefore welcome the action taken and be careful not to send out the wrong message with its evaluation.

21. **Mr. Durnescu** (Office of the United Nations High Commissioner for Human Rights), responding to the issue raised by **Mr. Santos Pais**, said that the request for further details about the Ombudsman had been made on the basis of the submission received from the Greek Helsinki Monitor. According to the information received, the Council of Europe Commissioner for Human Rights had advised the Government of Greece to take appropriate action to render the Ombudsman's recommendations binding and to create a review mechanism to ensure that the institution's powers were in line with the legislation governing its activities.

22. **Mr. Politi** said that the Committee was simply requesting information on whether the State party envisaged rendering the Ombudsman's recommendations binding. Given the mild nature of the request, he saw no reason to exclude it. Furthermore, it was not the only request in that section of the report that had been made as a result of the concerns expressed in submissions from civil society. Other examples included the requests for further information on specific investigations involving Roma persons and on the number, regularity, duration and content of professional training for law enforcement agents.

23. With regard to the reasoning behind the grade awarded for paragraph 16, the State party's reply was based primarily on the draft bill to amend the Ombudsman's mandate. Given that it remained to be seen how effective that amendment would be in practice, he was reluctant to raise the grade to a B.

24. **Ms. Cleveland** said that she agreed that a B grade was not appropriate for the State party's overall follow-up to the issues raised by paragraph 16. However, given that the changes to the Ombudsman's mandate had now come into effect, the Committee might consider assigning a B for that particular element of the State party's response. Even if further information was still needed, the action taken represented a concrete step towards the implementation of the recommendation on investigating allegations of excessive use of force.

25. **Mr. Heyns** said that he supported Ms. Cleveland's proposal. He also welcomed the fact that the disciplinary bodies of law enforcement agencies could only depart from the Ombudsman's decisions concerning excessive use of force if they provided specific and detailed justification for doing so.

26. **The Chair** said he took it that the Committee wished to assign a B grade for the steps taken to extend the Ombudsman's mandate and a C grade for the actual conduct of investigations into incidents of excessive force.

27. *It was so decided.*

28. **The Chair**, drawing attention to the evaluation of the State party's reply to paragraph 32 on unaccompanied minors, said that he found the following wording in the first sentence to be problematic: "[the Committee] regretted that the detention period fluctuated between hours and months from case to case". In fact, the Committee was happy for the duration of each detention to be determined on a case-by-case basis but was concerned about cases where unaccompanied minors were detained for excessive periods of time. He wondered whether the sentence could be reformulated with that concern in mind.

29. **Mr. Politi** said that it was still unclear how long unaccompanied minors were being detained for. Indeed, NGOs had claimed that some minors had been held for much longer periods than those indicated by the State party. He therefore proposed that the phrase highlighted by the Chair should be reworded to clarify that the Committee "regretted the information that detention periods, which were decided on a case-by-case basis, may be extended over an excessive period", or words to that effect.

30. **The Chair** said he took it that the Committee approved of the proposal. He also took it that the Committee wished to adopt the evaluations that the Special Rapporteur had

proposed for paragraphs 32 and 34, including the upgrading of subparagraph 32 (c) from a C to a B.

31. *It was so decided.*

Republic of Korea

32. **Mr. Politi** said that the Republic of Korea should receive a C grade for its follow-up to the recommendations contained in paragraphs 15, 45 and 53 of the Committee's concluding observations on the country's fourth periodic report (CCPR/C/KOR/CO/4). The paragraphs dealt respectively with the issues of discrimination on the grounds of sexual orientation and gender identity, conscientious objection and peaceful assembly.

33. **Ms. Cleveland**, welcoming the strong contributions made by civil society to the sections on both Greece and the Republic of Korea in the report, said that she wondered whether the State party's follow-up to paragraph 15 might be graded as borderline E. Despite the Committee's recommendations, no plans had been made to repeal article 92-6 of the Military Criminal Act. Furthermore, the State party continued to demonstrate a worrying tendency to use social consensus as a justification for not implementing certain aspects of the Covenant.

34. **The Chair**, supported by **Ms. Waterval**, said that he shared Ms. Cleveland's view that an E grade could be justified for paragraph 15.

35. **Mr. Politi** said that he was open to giving the Republic of Korea an E for refusing to repeal article 92-6 of the Military Criminal Act. However, he did not think that an E grade should be assigned every time a State party did not act upon the Committee's call to repeal legislation. In his opinion, the Committee should agree on an overall evaluation for the paragraph rather than choose to downgrade only one element of the State party's reply.

36. **The Chair** said that, to his understanding, the Committee did not wish to split the evaluation of paragraph 15 but rather to lower the overall grade from a C to an E. Concerning a number of the elements contained in paragraph 15, the State party had either implemented no change or explicitly rejected the Committee's call for change.

37. **Mr. Politi** said that he supported the Chair's proposal. Although the State party had provided information on certain elements of the recommendations on discrimination on the grounds of sexual orientation and gender identity, very little positive change had been implemented.

38. **Mr. Zimmermann** asked whether the Committee took into account the gravity of Covenant violations when evaluating a State party's follow-up to its concluding observations, or whether it considered all recommendations equally and made its evaluations based purely on the extent to which they had been implemented.

39. **The Chair** said that the Committee made its evaluations based on a State party's implementation of the recommendations, not on its broader implementation of the Covenant. Only in certain cases did the Committee consider the seriousness of a State party's deviation from the provisions of the Covenant in its evaluation of the follow-up to concluding observations.

40. **Ms. Cleveland** said that the Committee did consider the seriousness of Covenant violations in a State party when deciding on the issues that would be chosen for follow-up. Other considerations were also taken into account at that stage, including the urgency of the situation in the State party and the likelihood of change being implemented in the short term. When evaluating the follow-up to its concluding observations, however, the Committee only looked at the extent to which the chosen recommendations had been implemented by the State party.

41. **The Chair** said he took it that the Committee wished to assign an E grade to the Republic of Korea's implementation of the recommendations contained in paragraph 15 of its concluding observations.

42. *It was so decided.*

43. **Ms. Kran**, turning to the State party's reply to paragraph 45, said that, according to publicly available information, the Constitutional Court had ruled in June 2018 that the Military Service Act was unconstitutional, ordering the Government to introduce alternative service of a civilian nature for conscientious objectors before the end of 2019. The situation had therefore changed since the Committee had last considered it. Nevertheless, she remained in favour of assigning a C for the reply to the paragraph as a whole.

44. **The Chair** said that the Committee must base its evaluation on the information provided by the State party during the follow-up procedure and could take no account of events that had occurred after that time. He suggested retaining the C evaluation for the State party's reply to paragraph 45.

45. *It was so decided.*

46. **Mr. Heyns** said that he wondered whether the State party's reply to the recommendation made in paragraph 53 merited a B, rather than a C.

47. **Ms. Cleveland** said that it was unclear whether the information presented in the State party's reply was new. She was comfortable with the grade of C. However, the Committee should request further details of the incident mentioned in the final paragraph of the information submitted by civil society, concerning a protester who had lost his life as a result of being knocked to the ground by a high-powered water cannon during a rally.

48. **Mr. Politi** said that he would rather keep the C grade. The State party ran a registration system and public gatherings were often declared illegal; a B grade would be too encouraging and could be construed as an endorsement. He proposed drafting a new subparagraph in the Committee's evaluation, labelled (d), to address the incident mentioned in the final paragraph of the information submitted by civil society.

49. **The Chair** said that it was unclear when the incident had occurred. If it had not taken place during the follow-up reporting period, it could not be taken into account in the recommendation.

50. **Mr. Politi** said that he would conduct further research into the matter. A new subparagraph (d) would be included in the report if the event had taken place during the follow-up reporting period.

51. **The Chair** said he took it that the Committee wished to assign a C grade to the State party's reply to the recommendation made in paragraph 53.

52. *It was so decided.*

53. *Ms. Waterval (Rapporteur) took the Chair.*

Benin

54. **Mr. Politi** said that a B grade should be given for the reply to paragraph 9 of the Committee's concluding observations on the State party's second periodic report (CCPR/C/BEN/CO/2) concerning the National Human Rights Commission. It was proposed that C grades should be assigned to the information provided by the State party on the implementation of the recommendations made in paragraphs 19 and 23, which related to the right to life and the prohibition of torture and impunity, respectively.

55. *Mr. Shany resumed the Chair.*

56. **The Chair** said he took it that the Committee wished to assign a B grade to the State party's reply concerning paragraph 9.

57. *It was so decided.*

58. **Mr. Zimmermann**, speaking on the State party's replies to paragraph 19, said that, in his view, the decision of the Constitutional Court was a very important development in the State party, even if the Criminal Code had not yet been amended accordingly. His preference was for a B.

59. **Mr. Santos Pais** said that he, too, was in favour of assigning a B. The State party had addressed at least three elements of the recommendations made by the Committee.

60. **Mr. Koita** said that he agreed with Mr. Santos Pais: a B would be more appropriate. His understanding was that the decisions of the State party's Constitutional Court carried considerable weight. Its ruling against the imposition of the death penalty was therefore a sign of significant progress, which should be encouraged.

61. **Ms. Cleveland** said that it was unclear whether Act No. 2015-08 had been enacted after or before the Committee had published its concluding observations, which made it hard to judge whether any real progress had been made on the issue of infanticide. Nevertheless, the remaining two elements of the State party's replies were encouraging. She therefore supported awarding a B for the replies to paragraph 19 as a whole.

62. **Mr. Durnescu** (Office of the United Nations High Commissioner for Human Rights) said that Act No. 2015-08 entered into force on 8 December 2015, after the publication of the Committee's concluding observations.

63. **Mr. Heyns** said that the African Commission had used the decision of the Constitutional Court of Benin as a rallying point on the issue of the death penalty for the entire continent. He seconded Mr. Koita's point on the significance of that decision.

64. **Mr. Politi** said that he, too, had been concerned that the State party had offered no clear explanation of its measures to prevent infanticide. Nevertheless, he would be willing to change the proposed evaluation from a C to a B.

65. **The Chair** said he took it that the Committee wished to assign a B grade to the State party's replies to paragraph 19.

66. *It was so decided.*

67. **Ms. Waterval** proposed that the Committee should assign two separate grades for the State party's reply to the recommendations made in paragraph 23, namely a B for the definition and criminalization of acts of torture in the new Criminal Code and a C for the other components of the reply.

68. **The Chair** said that it was unclear when or indeed whether the new Criminal Code had been adopted.

69. **Mr. Koita** said that the Committee should assume that the Criminal Code had been adopted, or would be soon, if it had no evidence to the contrary. Moreover, the Constitution clearly prohibited torture, abuse, and cruel, inhuman or degrading treatment. Benin was an exemplary State on account of the independence of the judiciary and the role played by its Constitutional Court. He favoured a B.

70. **Ms. Cleveland** said that the only information that the State party had provided was that a new Criminal Code was in the process of adoption. In any case, only one of the three recommendations made in paragraph 23 had been addressed. That was not enough to merit a B.

71. **Mr. Fathalla** said that he would like to know whether the new Criminal Code also provided for the establishment of a national observatory for the prevention of torture and an independent mechanism for the consideration of complaints of torture and ill-treatment.

72. **The Chair** said that, according to publicly available information, the Criminal Code had been adopted on 5 July 2018, in other words, after the follow-up reporting period. Nevertheless, the Committee had to base its evaluation on the information that it had received in the State party's follow-up report. In any case, very little information had been received on the content of the new version of the Criminal Code.

73. **Mr. Politi** said that the Committee could only evaluate the replies that it had received. If the other members insisted, he would be willing to assign a B for the indication that a new Criminal Code was in the process of adoption. The remaining parts of the State party's reply merited only a C, however, given the lack of information provided.

74. **Mr. Heyns**, supporting the Special Rapporteur, said that it would be overly formalistic to insist on whether the moment in which the Criminal Code had been adopted had occurred during the follow-up reporting period. Ultimately, the State party had assured

the Committee that the Code was in the process of being adopted and no contradicting information had been received from other sources.

75. **The Chair** said he took it that the Committee wished to split the evaluation, assigning the State party a B for its reply regarding the definition and criminalization of acts of torture and ill-treatment and a C for the two other recommendations in paragraph 23.

76. *It was so decided.*

Rwanda

77. **Mr. Politi** said that the grades proposed for the State party's replies to subparagraphs (a) to (d) of paragraph 16 of the Committee's concluding observations on the State party's fourth report (CCPR/C/RWA/4) included three Bs (for subparagraphs (a), (b) and (d)) and one C (for subparagraph (c)). Four Cs were proposed for the replies to subparagraphs (a) to (d) of paragraph 20, while the replies to paragraphs 32 and 40 should be given a B and C, respectively.

78. **Mr. Santos Pais** said that in paragraph 16 (c) the Committee had recommended that the State party should guarantee the issuance of protection orders to ensure the safety of victims of gender-based and domestic violence. Perhaps one of the legal instruments mentioned in the reply provided for protection orders, or perhaps the issuance of protection orders fell within the remit of the courts and was not reported on. If so, then the Committee would not be justified in awarding a C.

79. **The Chair** said that if the issuance of protection orders was ordered by the courts, the State party should have reported as such in its replies. Equally, laws that provided for the issuance of protection orders were perhaps in place, but the State party was still expected to report on their implementation.

80. **Ms. Cleveland**, supported by **Mr. Politi**, said that the legislation mentioned by the State party in its replies was already in place during the reporting period, yet the Committee had been concerned about the issuance of the protection orders at that time. No new information on the matter had been provided since. With that in mind, it would be inappropriate to assign a B.

81. **The Chair** said he took it that the Committee agreed with the proposals by the Special Rapporteur concerning the grading of the State party's replies to paragraphs 16, 20 and 32.

82. *It was so decided.*

83. **The Chair**, supported by **Ms. Waterval**, said that, in relation to the State party's reply to paragraph 40, he wished to note that the State party had adopted legislation decriminalizing defamation in December 2017, according to publicly available information. Perhaps the Committee should encourage further steps in that direction. He wondered whether it would be possible to split the evaluation, assigning a B for the decriminalization of defamation and a C for the remaining elements of the State party's reply.

84. **Mr. Zimmermann** said that it was not apparent from the State party's reply, or indeed from the Committee's draft evaluation, that the legislation decriminalizing defamation had been adopted during the follow-up reporting process.

85. **Ms. Cleveland** said that the summary of the State party's replies could give rise to confusion, because it mentioned amendments to the Constitution related to freedom of the press and freedom of association, which had been adopted in 2015, and the new Penal Code that decriminalized defamation, for whose adoption no date had been indicated.

86. **Mr. Politi** said that he could assign a B in recognition of the fact that the State party had amended the Constitution to recognize the freedom of the press and freedom of expression and was in the process of adopting a new Penal Code that would decriminalize defamation. That wording would sidestep the issue of whether the Code had been adopted during the follow-up reporting period. He would then assign a separate C for the further information that the Committee was requesting.

87. **Mr. Koita** said that he was in favour of maintaining a C for the State party's reply to the paragraph as a whole.

88. **Ms. Brands Kehris** said that the Committee should be wary of taking on board developments that had occurred after the follow-up reporting period was over, especially if it chose to do so on the basis of information that was only available in the public domain. Its practice should be consistent.

89. **The Chair** said that, in the case at hand, the Committee would not be considering developments that had occurred after the follow-up reporting period. It was simply unclear from the State party's follow-up report whether the Penal Code had already been adopted, because of the way the report was worded. He was using external sources only as a means of interpreting what the State party had intended to communicate in its report.

90. **Mr. Fathalla** said that the wording of the Committee's draft evaluation should be amended to make it clear that no information had been received on further amendments to the Constitution, but that the Committee welcomed the decriminalization of defamation.

91. **Mr. Muhumuza** said that so long as information on progress made in Rwanda, or in other countries for that matter, could be verified, it should be encouraged by the Committee. It was regressive to get bound up in questions of whether certain pieces of legislation had been adopted during the follow-up reporting procedure; the Committee should use the technology available to it to verify information, rather than relying solely on formal, written submissions.

92. **The Chair** said that the Committee would not be denying that developments had occurred. It simply had not received sufficient information on the implementation of its recommendations from the State party, besides the indication that defamation had been decriminalized. Any further progress would surely be highlighted by Rwanda in the next reporting cycle.

93. **Mr. Politi** said that he would reword the Committee's evaluation as suggested and assign a B for the decriminalization of defamation and a C for the other recommendations made in paragraph 40.

94. *It was so decided.*

The meeting was suspended at 12.30 p.m. and resumed at 12.40 p.m.

95. **Mr. Fathalla** said that the words "as appropriate" should be added to the recommended action for all States parties that had opted in to the simplified reporting procedure. The recommended action would thus read: "the information requested will, as appropriate, be included in the list of issues prior to submission". That would leave the Committee more room for manoeuvre in the event that it received the requested information before the subsequent reporting cycle.

96. *It was so decided.*

97. *The draft report of the Special Rapporteur on follow-up to the concluding observations as a whole, as amended, was adopted.*

Organizational and other matters, including the adoption of the report of the Working Group on Communications (*continued*)

Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views (*continued*) (A/73/140, annex II)

98. **The Chair** said that he would like to draw the Committee members' attention to a draft statement that he had prepared on annex II of the note by the Secretary-General on the implementation of human rights instruments (A/73/140), which contained possible elements of a common aligned procedure for follow-up to concluding observations, decisions and Views for all treaty bodies. The statement, which had been prepared in the light of the Committee's discussion of the text of the annex earlier in the session, read as follows:

"During its 124th session (8 October to 2 November 2018), the Human Rights Committee considered the document adopted by the 30th meeting of Chairs (2018) titled 'Possible elements of a common aligned procedure for follow-up to concluding observations, decisions and views for all treaty bodies' and decided to endorse it. The Committee has reached its decision on the basis of the following understandings:

1. That the document contains recommendations reflecting desirable common practice and does not bind the Committee.

2. That the criteria for selection of follow-up recommendations enumerated in paragraph A (c) are illustrative only, and that not all criteria would be necessarily relevant for each selected recommendation.

3. Whereas the Committee has already moved to one cycle of follow-up, it does reserve to itself, on an exceptional basis, to request in appropriate cases additional follow-up information from States parties after the first cycle was completed.

4. The reference to three years as the time frame for conclusion of follow-up to views in paragraph B (j) is merely illustrative and the Committee retains discretion to deviate from this time frame where necessary."

99. **Mr. Fathalla** said that, although he agreed with the statement as a whole, he felt that the second, third and fourth points were, in effect, covered by the first.

100. **Ms. Kran** said that while Mr. Fathalla was correct, strictly speaking, it was nonetheless important to include the second, third and fourth points, because they made it clear exactly where the Committee might wish to depart from the guidelines prescribed in annex II. For the sake of clarity, however, the third point should read "it does reserve to itself, on an exceptional basis, the ability to request".

101. **Mr. de Frouville**, supported by **Ms. Cleveland**, said that an extra point should be inserted on the importance of the contribution of NGOs, national human rights institutions and other stakeholders in the follow-up procedure.

102. **The Chair** said that Mr. Fathalla was right that the first point covered the subsequent ones from a strictly legal angle, but the second, third and fourth points served to justify any derivation from the prescribed guidelines that did not match with States parties' expectations. He would make the drafting amendment proposed by Ms. Kran and draft a fifth point on the importance of the contribution of civil society organizations and national human rights institutions in the follow-up procedure. He took it that the Committee agreed to endorse the draft statement, subject to the agreed amendments.

103. *It was so decided.*

The meeting rose at 1 p.m.